



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0361/1
EVM:emw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 868**

March 10, 2022 - Offered by Senator ROTH.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to create** 114.047 of the statutes; **relating to:** restriction of state or local
2 governmental acquisition, possession, and use of certain drones.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 114.047 of the statutes is created to read:

4 **114.047 Restriction on use of certain drones. (1) DEFINITIONS.** In this
5 section:

6 (a) “Local governmental unit” has the meaning given in s. 19.42 (7u).

7 (b) “Restricted drone” means a drone, as defined in s. 941.292 (1), manufactured
8 or distributed by SZ DJI Technology Co., Ltd.; a subsidiary of, or a successor to, SZ
9 DJI Technology Co., Ltd.; or any entity that is determined by the U.S. department
10 of justice to be subject to or vulnerable to extrajudicial direction from a foreign
11 government.

1 (c) “State agency” has the meaning given in s. 1.12 (1) (b).

2 **(2) RESTRICTIONS.** (a) No local governmental unit or state agency may acquire
3 a restricted drone.

4 (b) Except as provided in sub. (3), after one year after the effective date of this
5 paragraph [LRB inserts date], no local governmental unit or state agency may
6 possess a restricted drone.

7 (c) Except as provided in sub. (3), after one year after the effective date of this
8 paragraph [LRB inserts date], no local governmental unit or state agency may
9 operate or otherwise use a restricted drone.

10 **(3) EXCEPTION.** A local governmental unit may possess and use a restricted
11 drone if all of the following apply:

12 (a) The restricted drone was acquired by the local governmental unit before
13 January 28, 2022.

14 (b) No later than 6 months after the effective date of this paragraph [LRB
15 inserts date], the local governmental unit certifies all of the following to the
16 department of justice:

17 1. The local governmental unit possesses a restricted drone.

18 2. The local governmental unit intends to use the restricted drone.

19 3. The local governmental unit will only operate the restricted drone with the
20 restricted drone’s capability to send or receive information over the Internet
21 disabled. This subdivision does not prohibit a local governmental unit from allowing
22 a restricted drone to access the Internet for updating or other maintenance purposes
23 when not in flight.

24 4. The local governmental unit has taken adequate measures to protect the
25 restricted drone from accessing and sharing sensitive information.

1 **SECTION 2. Nonstatutory provisions.**

2 (1) RESTRICTED DRONES.

3 (a) *Definitions.* In this subsection:

4 1. “Local governmental unit” has the meaning given in s. 19.42 (7u).

5 2. “Restricted drone” has the meaning given in s. 114.047 (1) (b).

6 3. “State agency” has the meaning given in s. 1.12 (1) (b).

7 (b) *Report.*

8 1. No later than 6 months after the effective date of this paragraph, each local
9 governmental unit and state agency shall report to the department of justice all of
10 the following:

11 a. A description of the possession and use of restricted drones by the local
12 governmental unit or state agency.

13 b. The plan of the local governmental unit or state agency for the disposal of
14 restricted drones.

15 2. No later than 8 months after the effective date of this paragraph, the
16 department of justice shall prepare a report summarizing the information gathered
17 under subd. 1. and submit the report to the chief clerk of each house of the legislature
18 for distribution to the legislature under s. 13.172 (2).

19 (c) *Reimbursement program.*

20 1. Subject to par. (e), the department of justice shall develop and administer a
21 restricted drone retirement reimbursement program. Subject to subd. 3. and par. (e),
22 from the amount under par. (d), the department of justice shall provide
23 reimbursement payments to local governmental units that apply for reimbursement
24 under this subsection. Subject to subd. 2., the department of justice shall prescribe
25 the form, nature, and extent of information that shall be contained in applications

1 for reimbursements under this subsection and shall establish criteria for evaluating
2 applications and for providing reimbursements under this subsection.

3 2. A local governmental unit that owns a restricted drone may apply to the
4 department of justice for reimbursement for the restricted drone if all of the following
5 apply:

6 a. The restricted drone was purchased by the local governmental unit before
7 January 28, 2022. An application under this paragraph shall include documentation
8 demonstrating to the satisfaction of the department of justice that the restricted
9 drone was purchased by the local governmental unit before January 28, 2022.

10 b. The restricted drone is in good operating condition, as determined by the
11 department of justice.

12 c. The local governmental unit agrees to dispose of the restricted drone no later
13 than 2 years after applying for reimbursement under this paragraph.

14 3. The department of justice may not make a reimbursement payment under
15 this paragraph that exceeds the sum of the following:

16 a. The lesser of the original purchase price of the restricted drone or current
17 price of a drone of similar age, condition, and functionality that is not a restricted
18 drone.

19 b. The reasonable cost of equipping a replacement drone with functions of the
20 restricted drone that is being replaced.

21 c. The reasonable costs of training law enforcement officers in the use of a drone
22 purchased to replace a restricted drone.

23 (d) *Funding*. Of the moneys the governor accepts from the federal government
24 under s. 16.54 pursuant to section 602 of the federal Social Security Act as amended
25 by the federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall

1 allocate \$7,500,000 to the department of justice for drone retirement
2 reimbursements under par. (c).

3 (e) *Oversight.*

4 1. No moneys may be expended under this paragraph or par. (c) unless the
5 department of justice files a request under this paragraph with the joint committee
6 on finance.

7 2. The department of justice may file with the joint committee on finance a
8 request to establish a restricted drone retirement reimbursement program. If the
9 cochairpersons of the joint committee on finance do not notify the department within
10 14 working days after the date on which the department submits the request that
11 the committee has scheduled a meeting for the purpose of reviewing the request, the
12 department may establish the program and may expend not more than \$750,000 of
13 the moneys allocated under par. (d). If, within 14 working days after the date on
14 which the department submits the request, the cochairpersons of the joint committee
15 on finance notify the department that the committee has scheduled a meeting for the
16 purpose of reviewing the request, the department may establish the program and
17 expend the moneys allocated under par. (d) only as approved, or modified and
18 approved, by the committee.

19 3. If all moneys approved for expenditure under this subdivision or subd. 2.
20 have been expended, the department of justice may file with the joint committee on
21 finance a request for expenditure of not more than \$750,000 of the moneys allocated
22 under par. (d). If the cochairpersons of the joint committee on finance do not notify
23 the department within 14 working days after the date on which the department
24 submits the request that the committee has scheduled a meeting for the purpose of
25 reviewing the request, the department may expend not more than \$750,000 of the

1 moneys allocated under par. (d). If, within 14 working days after the date on which
2 the department submits the request, the cochairpersons of the joint committee on
3 finance notify the department that the committee has scheduled a meeting for the
4 purpose of reviewing the request, the department may expend the moneys allocated
5 under par. (d) only as approved, or modified and approved, by the committee.

6 (END)